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**HOUSE BILL 1840**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Representatives Peterson, Low, Gregerson, Reed, Nance, Tharinger, and Obras

Read first time 02/05/25. Referred to Committee on Housing.

1 AN ACT Relating to authorizing middle housing in unincorporated  
2 urban growth areas, certain limited areas of more intensive rural  
3 development, and fully contained communities; reenacting and amending  
4 RCW 43.21C.495 and 36.70A.280; and adding a new section to chapter  
5 36.70A RCW.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A  
8 RCW to read as follows:

9 Any county that is required or chooses to plan under RCW  
10 36.70A.040 may provide by ordinance and incorporate into its  
11 development regulations, zoning regulations, and other official  
12 controls, authorization for the following:

13 (1) At least one middle housing unit on each parcel that permits  
14 single-family residences in designated urban growth areas, limited  
15 areas of more intensive rural development designated according to the  
16 requirements in RCW 36.70A.070(5)(d)(i);

17 (2) If a county takes action authorized by this subsection, it  
18 may not authorize more than 4 residential units per lot in limited  
19 areas of more intensive rural development designated according to RCW  
20 36.70A.070(5)(d)(i), and its development regulations must:

1 (a) Not require any standards for middle housing that are more  
2 restrictive than those required for detached single-family  
3 residences, but may apply any objective development regulations that  
4 are required for detached single-family residences, including, but  
5 not limited to, setback, lot coverage, stormwater, clearing, and tree  
6 canopy and retention requirements;

7 (b) Apply to middle housing the same development permit and  
8 environmental review processes that apply to detached single-family  
9 residences, unless otherwise required by state law, including, but  
10 not limited to, shoreline regulations under chapter 90.58 RCW,  
11 building codes under chapter 19.27 RCW, energy codes under chapter  
12 19.27A RCW, or electrical codes under chapter 19.28 RCW; and

13 (c) Require that middle housing in limited areas of more  
14 intensive rural development be served by sewer service.

15 **Sec. 2.** RCW 43.21C.495 and 2023 c 334 s 6 and 2023 c 332 s 8 are  
16 each reenacted and amended to read as follows:

17 (1) Adoption of ordinances, development regulations and  
18 amendments to such regulations, and other nonproject actions taken by  
19 a city to implement: The actions specified in section 2, chapter 246,  
20 Laws of 2022 unless the adoption of such ordinances, development  
21 regulations and amendments to such regulations, or other nonproject  
22 actions has a probable significant adverse impact on fish habitat;  
23 and the increased residential building capacity actions identified in  
24 RCW 36.70A.600(1), with the exception of the action specified in RCW  
25 36.70A.600(1)(f), are not subject to administrative or judicial  
26 appeals under this chapter.

27 (2) Amendments to development regulations and other nonproject  
28 actions taken by a city to implement the requirements under RCW  
29 36.70A.635 pursuant to RCW 36.70A.636(3)(b) are not subject to  
30 administrative or judicial appeals under this chapter.

31 (3) Adoption of ordinances, development regulations and  
32 amendments to such regulations, and other nonproject actions taken by  
33 a city or county consistent with the requirements of RCW 36.70A.680  
34 and 36.70A.681 are not subject to administrative or judicial appeals  
35 under this chapter.

36 (4) Adoption of ordinances, development regulations, amendments  
37 to such regulations, and other nonproject actions taken by a county  
38 to implement section 1 of this act are not subject to administrative  
39 or judicial appeals under this chapter.

1       **Sec. 3.** RCW 36.70A.280 and 2023 c 334 s 7, 2023 c 332 s 6, and  
2 2023 c 228 s 7 are each reenacted and amended to read as follows:

3       (1) The growth management hearings board shall hear and determine  
4 only those petitions alleging either:

5       (a) That, except as provided otherwise by this subsection, a  
6 state agency, county, or city planning under this chapter is not in  
7 compliance with the requirements of this chapter, chapter 90.58 RCW  
8 as it relates to the adoption of shoreline master programs or  
9 amendments thereto, or chapter 43.21C RCW as it relates to plans,  
10 development regulations, or amendments, adopted under RCW 36.70A.040  
11 or chapter 90.58 RCW. Nothing in this subsection authorizes the board  
12 to hear petitions alleging noncompliance based on a city or county's  
13 actions taken to implement the requirements of RCW 36.70A.680  
14 (~~and~~), 36.70A.681, or section 1 of this act within an urban growth  
15 area;

16       (b) That the 20-year growth management planning population  
17 projections adopted by the office of financial management pursuant to  
18 RCW 43.62.035 should be adjusted;

19       (c) That the approval of a work plan adopted under RCW  
20 36.70A.735(1)(a) is not in compliance with the requirements of the  
21 program established under RCW 36.70A.710;

22       (d) That regulations adopted under RCW 36.70A.735(1)(b) are not  
23 regionally applicable and cannot be adopted, wholly or partially, by  
24 another jurisdiction;

25       (e) That a department certification under RCW 36.70A.735(1)(c) is  
26 erroneous;

27       (f) That the department's final decision to approve or reject a  
28 proposed greenhouse gas emissions reduction subelement or amendments  
29 by a local government planning under RCW 36.70A.040 was not in  
30 compliance with the joint guidance issued by the department pursuant  
31 to RCW 70A.45.120; or

32       (g) That the department's final decision to approve or reject  
33 actions by a city implementing RCW 36.70A.635 is clearly erroneous.

34       (2) A petition may be filed only by: (a) The state, or a county  
35 or city that plans under this chapter; (b) a person who has  
36 participated orally or in writing before the county or city regarding  
37 the matter on which a review is being requested; (c) a person who is  
38 certified by the governor within 60 days of filing the request with  
39 the board; or (d) a person qualified pursuant to RCW 34.05.530.

1 (3) For purposes of this section "person" means any individual,  
2 partnership, corporation, association, state agency, governmental  
3 subdivision or unit thereof, or public or private organization or  
4 entity of any character.

5 (4) To establish participation standing under subsection (2)(b)  
6 of this section, a person must show that his or her participation  
7 before the county or city was reasonably related to the person's  
8 issue as presented to the board.

9 (5) When considering a possible adjustment to a growth management  
10 planning population projection prepared by the office of financial  
11 management, the board shall consider the implications of any such  
12 adjustment to the population forecast for the entire state.

13 The rationale for any adjustment that is adopted by the board  
14 must be documented and filed with the office of financial management  
15 within ten working days after adoption.

16 If adjusted by the board, a county growth management planning  
17 population projection shall only be used for the planning purposes  
18 set forth in this chapter and shall be known as the "board adjusted  
19 population projection." None of these changes shall affect the  
20 official state and county population forecasts prepared by the office  
21 of financial management, which shall continue to be used for state  
22 budget and planning purposes.

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